

1949.

K

File No. Pri. Edu. Bom.
II/49(N)



Legal DEPARTMENT
B BRANCH

2/6
7/6

Subject

Notifications under the
Bombay Primary Education
Act, 1948.

E
P-8

File No. Pri. Edu. Bom. II/49(N)

Std. Sectt. Slip 24 B e.

267-B

Education and Industries Department.
Bombay Castle, 1949.

No. 1:- In exercise of the powers conferred by sub-section (10) of section 4 of the Bombay Primary Education Act, 1947 (Bom. LXI of 1947), the Government of Bombay is pleased to constitute a new school board consisting of twelve members for the area of the Nasik Municipal Borough which is an authorised Municipality and nominate the following persons to be members of the said school board who shall hold office for a period of three years with effect from the 1st April 1949.

Names of Members.

[Here insert names of members]

By order of the Governor of Bombay,

Secretary to Government.

PSM. 2-4
4C

[Handwritten signature]

Legal Department.

Sub-section (10) of section 4 of the Bombay Primary Education Act, 1947 contemplates first the constitution of a new school board as provided in sub-sections (1) to (7) and then the nomination of ^{the members of} such school board by the Provincial Government. It will, therefore, be necessary first to constitute the new school board and then make appointments of the members. The E.D. draft at page 7 has been accordingly revised and a revised draft sent herewith.

Id/- J.R.D.

30-3

Additional Secretary to Government.

U.R. to E. & I.D., No. 212-Conf1. dated the 30th
March 1949.

PSM. 2-6
4C

Legal Department.

A revised draft order is sent herewith.

2. Section 60 of the Bombay Primary Education Act, 1947 lays down that the Provincial Government may delegate any of its powers or duties under the Act to any officer or authority subordinate to it. The proposed delegation cannot be made subject to any conditions, when the section does not contain any such limitation. When it is desired that the delegation could be made subject to such conditions as may be specified an express provision to that effect is made in the Statute (cf. section 4 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) or section 8 of the Bombay Essential Commodities and Cattle (Control) Act, 1946 (Bom. XXII of 1946). Accordingly the proposed conditions have not been included in the revised draft. The object in view could be achieved by issuing necessary executive instructions to the Director (cf. the concluding portion of the revised draft order).

3. It is not necessary that the proposed delegation should be notified in the Gazette. Instead, the course suggested in para. 5 of E. & I.D. office note dated 29th November 1948 at page 3 ante be adopted.

Id/- J.R?D

29-3

Additional Secretary to Government.

U.R. to E. & I.D., No. 3401, dated the 29th March 1949.

Bombay Primary
Educ-ation Act,
1947.

O R D E R.

Education and Industries Department,
Bombay Castle, 1949.

No. 7896:- In exercise of the powers conferred by section 60 of the Bombay Primary Education Act, 1947 (Bom. LXI of 1947), the Government of Bombay is pleased to delegate to the director of Public Instruction, Bombay Province, its powers and duties under sub-section (1) of section 28 and section 43 of the said Act for a period of three years with effect from the 1st day of April 1949, subject to any general or special orders which may be issued by Government from time to time.

By order of the Governor of
Bombay,

Secretary to Government.

PSM. 4-
4C

Legal Department.

In place of the Education Industries Department draft at page 3 ante, a revised draft notification is sent herewith. There does not appear to be any objection to appointing an official member by designation Under section 15 of the Bombay General Clauses Act, such appointment can be made by designation. In the proposed notification, however, the names of all the members, whether appointed by designation or by name, must be specified.

Id/- J.R.D.

5-6

Additional Secretary to Government.

U.R. to E. & I.D., No. 345-Confl. dated the 4th June
1949.

PSM. 4-6
4C

Legal Department.

A revised draft notification is sent
herewith.

Id/- J.R.D.

19-9

Additional Secretary to Government.

U.R. to E. & I.D., No. 605-Confl. dated the 21st
September 1949.

rSM. 4-6
4C

Office of the R.L.A.

The view taken by the Secretary, Education Department is correct

2. Mr. Apte was validly appointed on 16th July 1949 as a member of the District School Board, Satara, under section 5 of the Bombay Primary Education Act, 1947 (Bom. LXI of 1947) read with rule 8 of the Bombay Primary Education Rules, 1949, as he was not holding the office of an Honorary Magistrate on the date of the appointment. On the 24th December 1947, Mr. Apte was appointed an Honorary Second Class Magistrate. Since Mr. Apte during the term for which he has been appointed becomes subject to the disqualification mentioned in section 5(b) (Section 6 appears to be mistake as is clear from the proviso) he becomes disabled from continuing to be a member of the Board and his seat has fallen vacant automatically. He can be appointed now that the ^{Bombay} Primary Education (Second Amendment) Bill, 1949, is enacted into a law on 10th November 1949.

Id/- P.M.L.

28-11

cer of Legal Affairs.

U.R. to Education Department, No. 738-Conf. dated.
the 29th November 1949

Legal Department.

A revised draft notification is sent herewith.

Id/- J.R.D.

17-12

Additional Secretary to Government.

U.R. to E.D., No. 797-Confl. dated the 19th December
1949.

PSM. 4-6
4C